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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 PAUL ZAPATA,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE, Commissioner of
12 Social Security,

13 Defendant.

Case No. C08-5670BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 18). The Court having considered the Report and Recommendation, Defendant's failure to file objections, and the remaining record, does hereby find and order:

- (1) The Court adopts the Report and Recommendation; and
(2) Defendant's motion to dismiss (Dkt. 4) is **DENIED**. This matter is **REFERRED** to Judge Strombom for further proceedings.

DATED this 30th day of June, 2009.



BENJAMIN H. SETTLE
United States District Judge

ORDER